



City of Marietta Meeting Agenda

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

CITY COUNCIL

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Monday, November 17, 2008

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Councilman Jim King, Ward 6

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20081369 Newsletter and video on demand website win awards

The International Economic Development Council on Excellence in Economic Development presents the city of Marietta with an award in two competition categories: the city's Blueprint Marietta newsletter and video on demand stories on redevelopment on the city website.

20081408 Swearing-in of new police officer

Swearing in of Michael Humfleet in the Marietta Police Department.

20081392 Marietta Citizens' Police Academy Graduates

Presentation of certificates by Officer Joshua Liedke and Chief Daniel Flynn to graduates of the Marietta Citizens' Police Academy.

Mattie Akinlosose (Ms. Mattie)	William Alberding
Nancy Ayers	Jean Banister
Mason Brown	David Craton
Ellen Gardner	Liz Graves
Fannie Mae Hunter	Jayson January
Marc Kornfield	Rebecca Morrow-Jones
Christopher Neill	Cathy Plouff
Thomas Plouff	Victoria Renhoe
Carolyn Richardson	Gregory Samuels
Camy Smith	Stephanie Streck
David Suddath	William Thomas
Andrew Thornton	Arlene Thornton
Jose Vanegas	Marieta Venters

Lawrence Weintraub
Matthew Worley

Cindy Worley

PROCLAMATIONS:**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:**20081386 Regular Meeting - October 13, 2008**

Review and approval of the October 13, 2008 regular meeting minutes.

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:****20081178 Board of Zoning Appeals (Ward 6)**

Appointment to the Board of Zoning Appeals (Ward 6) for a three year term expiring September 8, 2011.

20081410 Planning Commission Appointment (Ward 7)

Appointment to the Marietta Planning Commission (Ward 7) for a three-year term.

ORDINANCES:

- * **20081328 Code Enforcement - 725 Bothwell Place**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 725 Bothwell Place.
Listed Owner: Martha Gallo
Certified mail receipt not received as of 10/29/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining.
- * **20081331 Code Enforcement - 654 Seminole Place**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 654 Seminole Place.
Listed Owner: Shannon Ryan (Norman) Master Account, c/o Cheryl Downing
Certified mail receipt not received as of 10/29/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

This item is now in compliance and requested to be pulled from the agenda

-
- * **20081335 Code Enforcement - 126 South Avenue**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 126 South Avenue.
Listed Owner: Gwen Wilcox Newberry
Certified mail receipt returned 10/12/08; not deliverable as addressed/unable to forward
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20081336 Code Enforcement - 619 North Fairground Street**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 619 North Fairground Street.
Listed Owner: A & S Cheema, Inc.
Certified mail receipt returned 10/07/08; "no forwarding" address.
Taxes paid: Unpaid; in the amount of \$1,506.08
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20081338 Code Enforcement - 354 Lawrence Street**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 354 Lawrence Street.
Listed Owner: Richard L. Roberts
Certified mail receipt not received as of 10/30/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20081339 Code Enforcement - 206 Lakewood Drive**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 206 Lakewood Drive.
Listed Owner: Kevin . Jordan
Certified mail receipt returned 10/13/08; "attempted, not known, unable to forward."
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- This item is now in compliance and requested to be pulled from the agenda*
- * **20081342 Code Enforcement - 68 Height Street**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 68 Height Street.

Listed Owner: Richard Tyre
Certified mail receipt received on 10/10/08.
Taxes paid: Unpaid; in the amount of \$225.64.
PUBLIC HEARING REQUIRED

* **20081352 Code Enforcement - 1830 Cobb Parkway South**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1830 Cobb Parkway South.
Listed Owner: Point Center Financial, Inc.
Certified mail receipt received 10/31/08; not signed by officer.
Taxes paid: Unpaid, owes \$59,419.20
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

* **20081353 Code Enforcement - 1725 Spinks Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1725 Spinks Drive.
Listed Owner: Nabil Michael Mansour & Awatef T. Mansour
Certified mail receipt received 10/15/08; signature not legible.
Taxes paid: Unpaid; in the amount of \$5,192.03
PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining

* **20081354 Code Enforcement - 454 Patricia Way**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 454 Patricia Way.
Listed Owner: Brian T. & Patricia M. McNair
Certified mail receipt not received as of 10/29/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

* **20081357 Code Enforcement - 165 N. Fairground Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 165 North Fairground Street.
Listed Owner: James Lewis Nichols & Freda Durrett
Actual Owner: Elias Nikiforou, c/o Michael Kyriacou
Certified mail receipt received 10/22/08; signature not legible.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

This item is now in compliance and requested to be pulled from the agenda

- * **20081360 Code Enforcement - 180 Powers Ferry Road**
An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 180 Powers Ferry Road.
Listed Owner: Bradford Frank
Certified mail receipt received 10/27/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
- * **20081361 Code Enforcement - 1252 Roswell Road**
An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1252 Roswell Road.
Listed Owner: Parsa International LLC
Certified mail receipt received 10/07/08; not signed by managing member.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
This item is now in compliance and requested to be pulled from the agenda
- * **20081362 Code Enforcement - 153 Hamilton Trace**
An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 153 Hamilton Trace.
Listed Owner: Uppaluri Praveen & Veemuri Hasita
Certified mail receipt received 09/24/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED

RESOLUTIONS:**CITY ATTORNEY'S REPORT:**

- * **20081372 Denial of a claim**
Denial of a claim of Trevor J. Young.
- * **20081373 Denial of a claim**
Denial of the claim of Beverly Nielbock.
- * **20081374 Denial of a claim**
Denial of the claim of Raphael Christian.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:**

1. Economic/Community Development: Grif Chalfant, Chairperson*** 20081364 2008 Work Plan**

Motion to extend the 2008 Work Plan for the Marietta Redevelopment Corporation through and including December 11, 2008.

Council member Goldstein opposed.

20081377 FY2009 Fund Work Plan

Motion approving the DRAFT FY2009 Work Plan for the Marietta Fund for Neighborhood and Community Revitalization.

as requested by Mayor Bill Dunaway

Council members Goldstein, Coleman and Lewis opposed.

*** 20081367 Section 8 Housing Choice Voucher Program**

Motion approving the Section 8 Housing Choice Voucher Program 2008 Fair Market Rents.

2. Finance/Investment: Annette Lewis, Chairperson*** 20081309 Erosion Control Violations**

Approval of an Ordinance amending the budget to receive and appropriate funds from erosion control violations.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson*** 20081261 Ordinance 10-6-050**

Motion approving the proposed changes to Ordinance 10-6 Noise, 050F Restricted Uses and Activities regarding the times of day for which personal or commercial vehicular music may not be audible from a distance of 50 feet in any direction.

*** 20081283 2009 City of Marietta Legislative Agenda**

Motion approving Marietta's 2009 Georgia General Assembly Legislative Session draft priorities list.

*** 20081284 Intergovernmental Agreement with the Georgia Department of Revenue**

Motion approving the Intergovernmental Agreement with the state Department of Revenue for access to vehicle tag information by the city's vendor for the purpose of processing intersection enforcement citations.

*** 20081285 Quitclaim Deed**

Motion approving a Quitclaim Deed regarding certain property being purchased by Southern Polytechnic Foundation.

4. Parks, Recreation and Tourism: Holly Walquist, Chairperson**5. Personnel/Insurance: Van Pearlberg, Chairperson***** 20081274 Parks and Recreation Department Reorganization**

Approval of an Ordinance amending the 2008-2009 City of Marietta/BLW pay and position allocation chart adopted by Ordinance 7214 so as to delete one (1)

Parks & Grounds Foreperson position and one (1) Parks & Grounds City Service Worker I position and to add one (1) Parks & Grounds Supervisor position to Parks & Grounds Maintenance [#3053].

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

* **20081297 Building Permit Fees**

Motion authorizing adding the following fees to the Fee Chart:
Tenant Move-in Inspection - \$30

Building re-permitting fees applicable when a permit has been expired for no greater than one year:

Footing or Foundation Stage - 100% Standard permit fee

Framing Stage - 50% Standard permit fee

Final Stage - 30% Standard permit fee

* **20081299 Lockheed Avenue**

Motion authorizing the Public Works Department to install signs stating "No Parking" along the frontage of 340 Lockheed Avenue.

* **20081298 Speed Cushion Pilot Program**

Motion to allow a test area for speed cushions within the East Park Subdivision for residents who wish to have speed cushions in their neighborhood pay for the materials subject to the majority of residents agreeing and the location and type of speed cushions are acceptable to the Public Works Director.

Council member Goldstein opposed.

* **20081303 Campbell Hill Street Closure Agreement**

Motion to approve the attached amendment to the Campbell Hill Street Memorandum of Agreement.

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

* **20081278 CA2008-09 Proposed Amendment to Sign Ordinance**

Proposal to amend Comprehensive Development Code, Division 714, Signs.

Planning Commission recommends approval.

Vote: 5-0

Public Hearing (all parties are sworn in)

Council member Goldstein opposed.

* **20081296 Building Construction Costs**

Ordinance amending City Code 7-4-2-050-G, Section 5 & 6; Building Permit Valuations and Building Construction Costs.

-
- * **20081365 NLC Congress of Cities Voting Delegate**
- Appointment of Annette Lewis as voting and Rev. Anthony Coleman as alternate voting delegates for the National League of Cities (NLC) Congress of Cities' Annual Business Meeting on Saturday, November 15, 2008.
- * **20081389 Safe Routes To School Program Grant Application**
- Resolution to allow staff to apply for funds from the Safe Routes To School Program
- * **20081406 Permanent and Temporary Property Easements**
- Motion authorizing acquisition of permanent and temporary easements within the following properties:
- Roswell Street Streetscape
487 Roswell Street John McGrath \$3300
- * **20081407 Property Acquisition**
- Motion authorizing total acquisition within the following properties for the purpose of Fairground Street Median and Streetscape
- 513 Ramona Street Mickey King \$147,000
- * **20081409 Property Acquisition**
- Motion authorizing acquisition of permanent and temporary easements within the following properties:
- Roswell Street Median and Streetscape between Victory and Cobb Parkway
1018, 1024, 1032 Roswell Street Marcello Reyes \$30,525
- * **20081411 Letter of Endorsement for Marietta Housing Authority**
- Motion approving a Letter of Endorsement from the City of Marietta for the Marietta Housing Authority regarding the Demolition of Boston Homes Application.
- * **20081412 Quit Claim Deed Transfer of Property - Marietta Housing Authority**
- Motion approving a Quit Claim Deed to transfer property located on Victory Drive from the City of Marietta to the Marietta Housing Authority, subject to the final approval of the City Manager and City Attorney.
- 20081417 Property Acquisition**
- Motion to authorize the acquisition of property owned by Mr. Frank Holcombe on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

20081418 Property Acquisition

Motion to authorize the acquisition of property owned by Mr. William D. Young and Mr. Earl H. Young on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

20081419 Property Acquisition

Motion to authorize the acquisition of property owned by Ms. Margaret Hulme Anderson and the Citizens and Southern National Bank as Executors of the Estate of John D. Anderson on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

20081420 Update/discussion on MRC Issues

Update and discussion on work plan, funding and other issues.
as requested by Councilman Goldstein

20081421 Utility location- Franklin Road

Motion to approve utility relocation as a result of SPLOST project on Franklin Road.

*** 20081387 BLW Actions of November 10, 2008**

Review and approval of the November 10, 2008 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

ADJOURNMENT: